

# Zoning Administrator Hearing



## *Minutes*

**John S. Gendron  
Hearing Officer**

**December 29, 2009 – 1:30 p.m.**

View Conference Room, 2<sup>nd</sup> Floor  
55 North Center Street  
Mesa, Arizona, 85201

**Staff Present**

Angelica Guevara  
Mia Lozano-Helland  
Tim Lillo  
Lesley Davis

**Others Present**

Zyg Kwasnica  
Rulon Anderson

**CASES:**

Case No.: ZA09-056

Location: 4132 East Adobe Street

Subject: Requesting a Special Use Permit to allow a commercial communication tower to exceed the maximum height permitted in the AG zoning District. (PLN2009-00373)

Decision: Request withdrawn

Summary: N/A.

Finding of Fact: N/A

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Case No.: ZA09-063

Location: 1136 West Baseline Road

Subject: Requesting a Special Use Permit to allow a commercial communication tower to exceed the maximum height permitted in the C-2 zoning district. (PLN2009-00414)

Decision: Approved with the following conditions:

1. *Compliance with the site plan submitted, except as modified by the conditions below.*
2. *The antennas shall not exceed 4'-4" in length, 1'-2" in width, and 4" in depth.*
3. *The microwave dishes shall not exceed 2'-2" in diameter.*
4. *The antennas shall be screened with a minimum of 55 palm fronds.*
5. *The antennas shall be painted to match the color of the faux palm fronds.*
6. *The antenna standoff assembly shall not extend more than 8" from the pole.*
7. *The monopalm tower or "trunk" shall be clad with a material resembling the color and texture of a natural palm tree.*
8. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: The case was represented by Rulon Anderson who stated that he wished to have the word 'fiberglass' removed from Condition of Approval No. 7. Mr. Rulon further summarized the request and stated that he has received no comments from the surrounding property owners. Mr. Lillo presented the staff report and staff recommendation. Mr. Gendron approved the Special Use Permit subject to the conditions of approval with the removal of the word 'fiberglass' from condition no. 7.

Finding of Fact:

- 1.1 The Special Use Permit (SUP) allows the placement of a 65-foot high commercial communication tower within an existing commercial development. The applicant will install a monopalm rather than a typical monopole for less visual impact on the neighborhood.
- 1.2 The applicant notified all property owners within 300-feet of the request and no comments or concerns were received.
- 1.3 The monopalm is 65-feet high. The array of the monopalm consists of three sectors, with three antennas, three daps, and three microwave dishes. The antennas are 4'-2" in length, 1'- 1" in width, and 4" deep. The microwave dishes are 2'-2". A condition of approval was added requiring that the antennas be painted to match the color of the monopole.
- 1.4 An equipment cabinet is screened by a 15' x 8' CMU stucco enclosure painted to match an

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existing garbage enclosure. Access is provided by an 8' wide tubular steel gate with metal backing painted to match.

- 1.5** The lease area for the monopalm is at the rear of the property and is not visible from the public street.
- 1.6** The Monopalm complies with the Commercial Communications Towers Guidelines in that it will be approximately 330 feet from Baseline Road and more than 150 feet from the nearest residential property to the east. These setbacks exceed the 1:1 setback ratio from arterial streets and 2:1 setback ratio from residential districts.
- 1.7** Monopalm is located within a rear parking area for an existing commercial development and is directly adjacent to other commercial and office uses. As a result, the Monopalm is compatible with, and not detrimental to, adjacent properties or the neighborhood in general.

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Case No.: ZA09-064

Location: 6840 East Madero Avenue

Subject: Requesting a Special Use Permit to allow a commercial communication tower to exceed the maximum height permitted in the C-2 zoning district. (PLN2009-00456)

Decision: Approved with the following conditions:

1. *Compliance with the site plan submitted except as modified by the conditions below.*
2. *The antennas shall not exceed 4'4" in length, 1'2" in width, and 4" in depth.*
3. *The microwave dishes shall not exceed 2'2" in diameter.*
4. *The antennas will be screened with a minimum of 55 palm fronds*
5. *The antennas shall be painted to match the color of the faux palm fronds.*
6. *The antenna standoff assembly shall not extend more than 8" from the pole.*
7. *The monopalm tower or 'trunk' shall be clad material resembling the color and texture of a natural palm tree.*
8. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Rulon Anderson represented the case and requested the addition of a condition of approval from the previous case related to the cladding material. Mr. Lillo provided the staff report and recommendation. Mr. Gendron asked if there were any comments from the surrounding property owners and asked if there was an existing verticality. Staff and Mr. Anderson responded that no contacts had been received and that there was no opportunity for co-location. Mr. Gendron approved the Special Use Permit subject to the stipulations in the staff report and the addition of the stipulation regarding the cladding material for the 'trunk'.

Finding of Fact:

- 1.1 This Special Use Permit (SUP) will allow the placement of a 65-foot high commercial communication tower within an existing commercial development. The applicant will install a Monopalm rather than a typical monopole for less visual impact on the neighborhood.
- 1.2 The applicant notified all property owners within 300 feet of the request and no comments or concerns were received.
- 1.3 The Monopalm is 65 feet high with an array consisting of three sectors, with three antennas and three microwave dishes. The antennas are 4' 2" in length, 1' 1" wide, and 4" deep, the microwave dishes are 2' 2" in diameter. A condition of approval was added requiring that the antennas be painted to match the color of the faux palm branches

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- 1.4** An equipment cabinet will be attached to the interior side of an existing 8' tall CMU wall adjacent to the existing storage building. The equipment cabinet is 2 feet wide and 2 feet in length and is 54 inches tall. The equipment cabinet is not visible from the public streets. As a result, the Monopalm will be compatible with, and not detrimental to, adjacent properties or the neighborhood in general.
  
- 1.5** The Monopalm complies with the Commercial Communications Towers Guidelines in that it will be approximately 76 feet from Power Road and more than 413 feet from the nearest residential property to the east. These setbacks exceed the 1:1 setback ratio from arterial streets and 2:1 setback ratio from residential districts.

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Case No.: ZA09-065

Location: 1540 South 24<sup>th</sup> Street

Subject: Requesting a Special Use Permit to allow commercial communication tower to exceed the maximum height permitted in the C-3 zoning district. (PLN2009-00452)

Decision: Approved with the following conditions:

1. *Compliance with the drawings submitted November 24, 2009 with the revised site plan dated December 10, 2009 submitted for AZ-PHX5175C, at 1540 South 24<sup>th</sup> Street, except as modified by the conditions below.*
2. *The monopine shall have a maximum height of seventy (70') feet at the top of the proposed monopine trunk/pole, an additional 7-foot in height is allowed for the pine branches.*
3. *The antennas shall be covered with pine needle socks to match the pine needle density and color of the monopine.*
4. *The antennas will be screened with a minimum of 2.5 branches per foot of height.*
5. *The antennas shall not exceed 4'-2" in length, 1'-1" in width, and 4" in depth.*
6. *The antennas shall not extend beyond the needles and the needles shall taper towards the top to give a natural look.*
7. *The antennas shall be painted to match the color of the pine needles.*
8. *The antenna standoff T-arm shall not be more than 8-inches from the pole.*
9. *The 8' high CMU screen wall and the steel gate shall match in color.*
10. *Compliance with all requirements of the Mesa Park and Recreation Department.*
11. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Rulon Anderson represented the case and summarized the request. Mr. Gendron asked if there was a possibility for co-location on an existing monopole at the fire station. Mr. Anderson replied that for structural reasons it was not possible. Mr. Gendron asked if there were any neighborhood concerns. Mr. Anderson stated that there were no concerns received. Mr. Gendron asked if he was in agreement with the stipulations recommended by staff. Mr. Anderson stated he was in agreement and Ms. Davis pointed out that there was a typo error in condition 8 and corrected it to be 8 inches not 8 feet. Mr. Gendron approved the Special Use Permit subject a minor modification to the stipulations in the staff report.

Finding of Fact:

- 1.1** This Special Use Permit (SUP) will allow the placement of a 70-foot high monopine in an existing City Park (Kingsborough Park) located at 1540 South 24<sup>th</sup> Street in the R1-7 zoning district. The applicant will install a monopine rather than the typical monopole so that there will be less

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aesthetic impact on the adjacent neighborhoods.

- 1.2** The applicant notified all property owners within 300-feet of the request and no comments or concerns were received.
- 1.3** The monopine is 70-feet high to the top of the antenna array with an additional 7-foot allowed to the top of the pine needles. The array consists of three sectors, with three antennas, three daps, and three microwave dishes (2'-2" diameter). The antennas are 4'-2" in length, 1'- 1" in width, and 4" in depth. A condition of approval was added requiring that the antennas be painted to match the color of the monopine.
- 1.4** The applicant will also install an equipment cabinet screened by a new 8' high CMU wall around a 25' x 25' lease area with an 8-foot wide steel access gate.
- 1.5** There are existing mature trees on this site, including pine trees. The applicant stated that the additional height for the monopine is necessary to clear those trees.
- 1.6** The applicant, Clear Wire, will build the 77-foot high monopine with the ability for co-location of other carriers. This Special Use Permit allows only one carrier (Clear Wire) to install antennas on this monopine. All other carriers will need future approval prior to co-location.
- 1.7** The monopine is consistent with the goals of the City's Wireless Communications Design and Placement Guidelines for the Parks and Recreation Facilities.
- 1.8** The monopine is surrounded by the R1-7 zoning district to the north with a setback of 532-feet from single residence lots to the north, and setback 93-feet from 24<sup>th</sup> Street to the east. The property to the west is an apartment complex zoned R-3 PAD, setback of 1094-feet from the monopine. The south side of the park is adjacent to the US60/Superstition Freeway.
- 1.9** The monopine complies with the Commercial Communications Towers Guidelines in that it will be approximately 93-feet from the 24<sup>th</sup> Street and more than 140-feet from the nearest residential property.
- 1.10** The monopine is located within an existing City Park zoned R1-7. There are pine trees and other trees with similar heights in the area. The monopine is compatible with, and not detrimental to, adjacent properties or the neighborhood in general.

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Case No.: ZA09-066

Location: 3757 East Main Street

Subject: Requesting a Special Use Permit to allow a commercial communication tower to exceed the maximum height permitted in the C-3 zoning district. (PLN2009-00452)

Decision: Approved with the following conditions:

1. *Compliance with the site plan submitted except as modified by the conditions below.*
2. *The three antennas shall not exceed 4'4" in length, 1'2" in width, and 4" in depth.*
3. *The three microwave dishes shall not exceed 2'2" in diameter*
4. *The antennas will be screened with a minimum of 55 palm fronds.*
5. *The antennas shall be painted to match the color of the faux palm fronds.*
6. *The antenna standoff assembly shall not extend more than 8" from the pole.*
7. *Provide a minimum 8' wide dustproof path for service vehicles leading from the right-of-way to the monopalm and associated equipment.*
8. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
9. *The monopalm tower or 'trunk' shall be clad material resembling the color and texture of a natural palm tree.*

Summary: Rulon Anderson represented the case and explained that the site is a vacant parcel and is adjacent to several other vacant parcels. He stated that the property owner is unsure as to his development possibilities for the parcel. Mr. Anderson stated that he disagrees with stipulation no. 7 related to the path for service vehicles. He stated that it was an unnecessary expense considering that the parcel will be developed in the near future. He requested that condition no. 7 be stricken from the report. Ms. Guevara explained that the City Code requires dust-proofing of the path. She stated that the applicant proposed that the site be serviced by walk up only and to not allow vehicles to drive on the site. Ms. Guevara further stated that a copy of a lease agreement restricting vehicles was requested and the applicant was unable to provide one. Mr. Anderson further stated his reluctance to provide a temporary dust-proof path given that the parcel is undeveloped. Mr. Gendron asked about the timeline for the development of the site by the owner. Staff responded that the site has yet to obtain an approval of a Site Plan Review. Mr. Gendron asked if construction plans had been submitted. Staff responded no. Ms. Guevara provided the staff report and recommendation with a change to stipulation no. 7 to read 'Provide a minimum 8' wide dustproof path for service vehicles leading from the right-of-way to the monopalm and associated equipment'. Ms. Guevara also added stipulation no. 9 requiring that the monopalm trunk be clad material resembling the color and texture of a natural palm tree. Mr. Gendron approved the Special Use Permit with the conditions specified by staff including the change to stipulation no.7

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and the addition of the ninth stipulation.

Finding of Fact:

- 1.1** The Special Use Permit (SUP) will allow for the placement of a 65-foot high commercial communication tower within a vacant parcel. The applicant will install a stealth design consisting of a monopalm in order to minimize the visual impact on the residential neighborhood to the south.
- 1.2** The applicant notified all property owners within 300 feet of the request and no comments or concerns were received.
- 1.3** The monopalm is 65 feet high measured to the top of the antennas with an additional five feet in height for palm fronds. The array will consist of three sectors, with three antennas and three microwave dishes. The antennas are 4' 2" in length, 1' 1" wide, and 4" deep, the microwave dishes are 2' 2" in diameter. A condition of approval was added requiring that the antennas be painted to match the color of the faux palm branches
- 1.4** The project includes an equipment cabinet within a 6' x 10' lease area that is screened with a 6' high CMU wall adjacent to the monopalm. The equipment cabinet is 2 feet wide and 2 feet in length and is 54 inches tall. The equipment cabinet is not visible from the public streets. As a result, the monopalm is compatible with, and not detrimental to, adjacent properties or the neighborhood in general.
- 1.5** The monopalm complies with the Commercial Communications Towers Guidelines in that it is approximately 126 feet from Main Street and more than 153 feet from the nearest residential property to the south. These setbacks exceed the 1:1 setback ratio from arterial streets and 2:1 setback ratio from residential districts.
- 1.6** The site is a vacant undeveloped parcel. The monopalm and equipment are placed a distance of approximately 126' from the right-of-way. It is typical for service vehicles to drive on the site a minimum of once a month to service the monopalm and equipment, staff has added a condition of approval requiring the path from the right-of-way to the monopalm and equipment to be dustproof.

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Case No.: ZA09-067

Location: 302 South Country Club Drive

Subject: Requesting a Substantial Conformance Improvement Permit to allow the development of a parking lot in the M-1 and TCB-2 zoning district. (PLN2009-00463)

Decision: Approved with the following conditions:

1. *Compliance with the site plan and landscape plan submitted, except as modified by the conditions below.*
2. *The security fence to be located out of the right-of-way within the landscape setback, a minimum of two feet from the landscape curb.*
3. *The security fence height shall be increased to a minimum of 6'2" in height if a coil of razor wire or other enhanced security measures as described by Mesa City Code Sec. 8-6-3(l) is to be placed on top of the security fence.*
4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
5. *Screening of parking spaces from Third Avenue to be accomplished with shrubs.*

Summary: Zyg Kwasnica represented the case and stated that he was in agreement with the conditions of approval. Mr. Gendron asked the applicant about the location of the security fence and the need to move the fence from the existing location if the case is approved. The applicant agreed it would be moved. Discussion followed regarding the use of the parking lot. Ms. Guevara provided the staff report and recommendation. She further noted that the screening of parking will be provided by shrubs. Mr. Gendron asked if the site is visible from Country Club Dr, Ms. Guevara stated that it is not. Mr. Gendron approved the Substantial Conformance Improvement Permit with the staff stipulations and the addition of stipulation 5 regarding the screening of parking with shrubs on Third Avenue.

Finding of Fact:

- 1.1** The expansion of the existing site with the development of an employee parking lot requires a Substantial Conformance Improvement Permit. Because the existing development was developed prior to changes to the Zoning Ordinance development standards approved in 2002, the new parking lot represents an expansion of an existing non-conforming site. Expansion of a non-conforming site requires the entire site be brought into conformance with current development standards unless otherwise approved through a Substantial Conformance Improvement Permit.
- 1.2** The Substantial Conformance Improvement Permit (SCIP) allows construction of the parking lot within an existing industrial development that is approximately 1.82± acres. The employee parking lot is constructed on 0.35 ± acres located at the northeast corner of the existing facility which was purchased by Brown Evans Distributing Co. and was formerly used as a dog grooming

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or kennel facility. The building and all improvements on the site were demolished leaving an unimproved parcel.

- 1.3** The site is located within the downtown area where a major emphasis of Mesa's redevelopment program is to attract people generating uses that stimulate growth and provide an identity in the Town Center area. The approval of this request allows an existing successful industrial development to expand by improving the vacant parcel with asphalt, landscape, and a security fence.
- 1.4** The current code requires a setback of 30' adjacent to Country Club Drive and 20' adjacent to 3<sup>rd</sup> Avenue. The applicant will provide a 22'-3" setback adjacent to the Country Club Drive frontage road and 5'9" adjacent to 3<sup>rd</sup> Avenue. The setbacks provide a generous landscape area adjacent to Country Club Drive with four trees and 15 shrubs which represents substantially more landscape than what exists on the surrounding properties. On 3<sup>rd</sup> Avenue, the applicant will provide a modest setback on a street lined with industrial uses also developed with little or no landscape material. The applicant will install a security fence to provide additional protection to employees and their vehicles.
- 1.5** The applicant is not providing any landscape islands within the parking lot or at the ends of the rows of parking spaces, but will install parking canopies over two rows of parking spaces. The code allows the elimination of landscape islands when a conflict with the covered parking canopy occurs. The applicant will provide an 8' landscape median adjacent to the west property line and a 3' landscape median adjacent to the south property line where none are technically required by code. The redesign the parking lot to comply with the landscape requirements within parking lots requires the elimination of parking spaces deemed necessary by the applicant and will also affect circulation and drainage. In exchange, the applicant will install landscape medians to help reduce the quantity of pavement and increase the landscape material at the corner of the site. The landscape material within the frontage landscape yards are provided in quantities which are proportionate to the width of the landscape yards.
- 1.6** The request also modified the allowable height of the security fence surrounding the parking lot. The code allows fences within the frontage setback no taller than 3'6". A 6' high chain link security fence will be installed within the frontage setbacks. The parking lot is located at the southwest corner of Country Club Dr. and 3<sup>rd</sup> Avenue and has no visibility from Country Club Drive due to the underpass. 3<sup>rd</sup> Avenue, which is accessed from a frontage road, has no visibility from Country Club Drive. The buildings on the site back up to the employee parking lot and due to the lack of visibility from the buildings, the applicant found it necessary to secure the employee parking lot. The applicant will ensure the security fence is located out of the right-of-way and behind the trees a minimum of two feet from the landscape curb as a condition of approval in order to allow access to the water meter from the right-of-way. An additional condition of approval stated that the security fence will comply with section 8-6-3(I) of the Mesa City Code requiring the fence be raised to a minimum of 6'2" high as the property owner intends to place a coil of razor wire on top of it.
- 1.7** This development qualifies for a Substantial Conformance Improvement Permit, as demolition of the existing buildings, parking, and other improvements must occur to bring the site into full compliance with current site development standards. The site improvements substantially exceed that of adjacent properties. Further, the landscape setback and landscape material will

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enhance the streetscape along 3<sup>rd</sup> Avenue and Country Club Drive frontage road. As a result, the site plan, including the recommended conditions of approval, achieves substantial compliance.

- 1.8** The development is consistent with the General Plan designation of Town Center and is an allowed use in the TCB-2 zoning district. The deviations are necessary to accommodate the development of the new employee parking lot and are commensurate with or exceed the conformance of similar uses in the vicinity of the request. The project presents reasonable improvements to a non-conforming site while meeting the intent of the Site Development Standards. Consequently, the site plan, including staff recommended conditions of approval, represents compliance with the intent of the development standards of the Zoning Ordinance.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 2:15 p.m.

The cases for this hearing were digitally recorded and are available upon request.

Respectfully submitted,

John S. Gendron  
Hearing Officer

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